THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.215 OF 2006

Dated: 06-01-2006

Between

K. Bheema Reddy, President, BHEL
MIG Employees Co-operative Housing
Society Limited, TBC No.724 and
another.

...PETITIONERS

AND

The Deputy Registrar/Divisional
Co-operative Officer, Hyderabad
West Zone, Ranga Reddy District
and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Certiorari calling for the records relating the impugned order dated 21.12.2005 made in I.A.No.602 of 2005 in CTA.No.141 of 2005, of the A.P. Cooperative Tribunal suspending the order dated 14.12.2005 in ARC.No.69 of 2005 vacating the interim injunction granted on 20.10.2005 as illegal and arbitrary.

Learned counsel for the petitioners submits that the second petitioner - BHEL MIG

Employees Co-operative Housing Society Limited (society) granted a licence in favour of M/s. MNR Education Trust, Sivani Nagar, Kukatpally for a period of thirty three years permitting the said educational trust to construct the educational institution in the open land in an extent of 7,593 Sq. yards situated in S.Nos.433, 437 and 441 part of Nallagandla Village, Seri Lingampally Mandal, Ranga Reddy District by agreement dated 15.09.2005 with an yearly licence fee of Rs.2,50,000/- per annum and with an enhancement of 10% of licence fee on prevailing fee after completion of every three years. Aggrieved by the said action of the society the respondents 3 to 18 raised a dispute in ARC.No.69 of 2005 before the Arbitrator/Deputy Registrar, Hyderabad, West Division, Ranga Reddy District and the deputy registrar passed interim orders under Section 62(4) of the Andhra Pradesh Cooperative Societies Act, 1964 restraining the petitioner – society from conveying the possession of the vacant land to MNR Educational Trust by order dated 20.10.2005. Thereafter the said order has been vacated by order dated 14.12.2005. As against the said order the respondents 3 to 18 filed CTA.No.141 of 2005 on the file of the Chairman/District Judge, Andhra Pradesh Cooperative Tribunal. The tribunal by order dated 21.12.2005 in I.A.No.602 of 2005 in CTA.No.141 of 2005 suspended the order of the Deputy Registrar dated 14.12.2005 until further orders. Aggrieved by the same this writ petition has been filed.

As an appeal is pending before the Cooperative Tribunal, I am of the opinion that it is just and proper to direct the Cooperative Tribunal to consider and dispose the appeal as expeditiously as possible.

If the arbitration proceedings ultimately end in favour of the unofficial respondents it may not be in the interest of the society to proceed further.

Having regard to the facts and circumstances of the case,

the tribunal is directed to consider and dispose of the appeal itself as expeditiously as possible within four weeks from the date of receipt of a copy of this order. However, it is also made clear that the arbitrator/deputy registrar irrespective of the pendency of the appeal before the tribunal may proceed with the arbitration proceedings and finalize the same as expeditiously as possible after giving reasonable opportunity to all the concerned parties.

The writ petition is accordingly disposed of.

V. ESWARAIAH, J

January 6, 2006

DSK